

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hiroyuki Sekiguchi

Application No.: 10/664,089

Confirmation No.: 3720

Filed: September 17, 2003

Art Unit: 3663

For: VEHICLE SURROUNDINGS MONITORING
APPARATUS AND TRAVELING CONTROL
SYSTEM INCORPORATING THE
APPARATUS

Examiner: R. M. Mancho

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Office Action mailed October 6, 2006, the Examiner has required an election between the following species:

Species A: the fourth means judges the deviation possibility according to frontal distance of the preceding vehicle from the own vehicle; and

Species B: the fourth means judges the deviation possibility by judging that the preceding vehicle is farther than a prescribed distance.

However, Applicant believes that the Examiner incorrectly listed on the Office Action Summary page the claims that are subject to the restriction requirement and in particular, the Examiner has indicated that claims 1, 2 and 4-10 are subject to the restriction requirement; however, these claims have been canceled in the last amendment dated June 1, 2006. For purposes of the present response, Applicant believes that the Examiner intended to state that claims 11-28 are subject to the restriction requirement since these are the only claims pending.

ELECTION

Applicant hereby provisionally elects Species A for further prosecution on the merits. Species A is directed to a device having a fourth means that judges the deviation possibility according to frontal distance of the preceding vehicle from the own vehicle. Applicant respectfully submits that claims 11-14, 16-24 and 26-28 are readable on the elected Species A and therefore, claims 11-14, 16-24 and 26-28 should be examined on their merits at this time.

Applicants hereby reserve the right to continue prosecution of the non-elected subject matter in a divisional application.

It is believed that the present communication is fully responsive to the outstanding Office Action.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Dated: November 2, 2006

Respectfully submitted,

By 

Edward J. Ellis

Registration No.: 40,389

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant